

THURSDAY, MARCH 7, 1996

SEVENTY-FIRST LEGISLATIVE DAY

The House met at 9:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Wood.

Representative Wood led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cole(Carter); personal reasons.

Representative Cole(Dyer); business reasons.

Representative Napier; business reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2356: Rep(s). Fitzhugh and Langster as prime sponsor(s).

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House Bill No. 2520: Rep(s). Langster as prime sponsor(s).

House Bill No. 2607: Rep(s). Patton and McDaniel as prime sponsor(s).

House Bill No. 3155: Rep(s). Stulce and Naifeh as prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 461 -- General Assembly. Studies - Establishes joint study committee on special and cultural license plates. by *White.

Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 11, 1996:

House Resolution No. 187 -- Memorials, Recognition and Thanks - Brushy Mountain State Penitentiary, 100th Anniversary. by *Windle.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 348 -- Naming and Designating - "Sir Winston Spencer Churchill Remembrance Day," March 5, 1996. by *Henry, *Cohen.

State & Local Government Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3258 -- Signal Mountain - Provides that vacancy in office of town judge filled by appointment by town council until next town or general state election where successor is elected for remainder of unexpired term. Amends Chapter 569 of the Private Acts of 1919. by *McAfee.

House Bill No. 3259 -- Union County - Subject to local approval, authorizes hotel/motel tax. by *McAfee.

House Bill No. 3260 -- Union County - Subject to approval of county commission, adds additional member to Districts 2 and 6 school board - Amends Chapter 95 of the Private Acts of 1953; as amended. by *Williams (Union).

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House Bill No. 3261 -- Fayette County - Subject to local approval, changes title of "county executive" to "county mayor". by *Walley, *Naifeh.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 2064 -- Correction, Dept. of - Requires commissioner to notify law enforcement officials as soon as practicable if inmate furlough authorized less than five days before release of inmate. Amends TCA Section 41-21-239. by *McNally, *Haun, *Holcomb, *Crowe, *Atchley, *Elsea, *Rice, *Hamilton, *Carter, *Leatherwood, *Burks, *Rice, *Crowe, *Haun.

Senate Bill No. 2097 -- Intergovernmental Relations - Requires intergovernmental relations commission to conduct annual inventory of needed infrastructure. Amends TCA Title 4, Chapter 10 and Section 67-9-102(b)(3). by *Rochelle.

Senate Bill No. 2182 -- Bail, Bail Bonds - Replaces requirement that victim be sent certified copy of any conditional release conditions placed upon defendant with requirement that victim be sent copy at last known address or given copy if present when conditions imposed. Amends TCA Title 40, Chapter 11, Part 1 and Title 40, Chapter 7, Part 1. by *Kyle.

***Senate Bill No. 2435** -- Handicapped Persons - Changes "severely handicapped" to "severely disabled"; changes advisory committee to committee to purchase from the blind and other severely disabled; revises language from workshops to work centers; expands authority of committee to recommend and evaluate fair market price for commodities which recovers cost for work center. Amends TCA Section 4-29-221 and Title 71, Chapter 4, Part 7. by *Dixon.

***Senate Bill No. 2714** -- Insurance Companies, Agents, Brokers - Requires premium finance company that willfully violates provisions concerning financing of premiums to refund all interest and any fee paid in addition to Class C misdemeanor violation. Amends TCA Section 56-37-113. by *Kyle.

***Senate Bill No. 3070** -- Barbers - Requires board of barber examiners to issue certain special certificates of registration under certain circumstances. Amends TCA Title 62, Chapter 3, Part 1. by *Rochelle.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3254 -- Sumner County -- Local Bill Held on House Desk

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House Bill No. 3255 -- Williamson County -- Local Bill Held on House Desk

House Bill No. 3256 -- Collierville -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 7, 1996**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **March 11, 1996**: House Bill(s) No(s). 2416, 2925 and 2974.

The Committee set the following bills on the **Regular Calendar** for **March 13, 1996**: House Bill(s) No(s). 2035, 2698, 3052 and 2455.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 11, 1996**: House Bill(s) No(s). 2568, 2714, 2867, 1975, 2689, 2395, 2397, 2440 and House Joint Resolution(s) No(s). 241.

CONSENT CALENDAR

House Resolution No. 186 -- Memorials, Professional Achievement - Cortese Tree Specialists. by *Dunn.

House Joint Resolution No. 460 -- Memorials, Sports - Coach Henry Bowles, 600th victory. by *McAfee.

Senate Joint Resolution No. 346 -- Memorials, Public Service - DARE role models. by *O'Brien, *Rochelle.

Senate Joint Resolution No. 349 -- Memorials, Public Service - Laquisha Payne, Prudential Spirit of Community Award recipient. by *Kyle.

Senate Joint Resolution No. 350 -- Memorials, Death - Lillie Beard. by *Jordan, *Springer.

Senate Joint Resolution No. 361 -- Memorials, Professional Achievement - Roberts V. Weaver, Jr., President of Automotive Trade Association Executives. by *Person, *Atchley, *Crutchfield, *Rochelle, *Hamilton, *Wilder, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Rice, *Springer, *Wallace, *Womack, *Wright.

Senate Joint Resolution No. 362 -- Memorials, Death - Sarah Colley Cannon, "Minnie Pearl.". by *Henry, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

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Rep. West moved that all members voting aye on **Senate Joint Resolution No. 362** be added as sponsors, which motion prevailed.

Rep. Phelan moved that all members voting aye on **Senate Joint Resolution No. 361** be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 3155 -- Pensions and Retirement Benefits - Authorizes retirement incentive plan for employees of public service commission. Amends TCA Title 8, Chapter 34, Part 2. by *Rhinehart. (*SB3133 by *Atchley)

On motion, House Bill No. 3155 was made to conform with **Senate Bill No. 3133**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 3133, be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Stulce moved that all members voting aye be added as sponsors, which motion was immediately withdrawn.

Rep. Rhinehart moved that **Senate Bill No. 3133**, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.....93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 2839 -- Banks and Financial Institutions - Increases permissible amount that may be contained in mortgage escrow account; makes compliance with federal law sufficient for state compliance. Amends TCA Section 45-13-109. Repeals TCA Section 45-1-128. by *Rhinehart, *Byrd, *Fitzhugh. (*SB2203 by *Rochelle)

On motion, House Bill No. 2839 was made to conform with **Senate Bill No. 2203**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 2203, be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Rhinehart moved that **Senate Bill No. 2203**, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....91
Noes 0
Present and not voting..... 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Ritchie, West -- 2.

A motion to reconsider was tabled.

***House Bill No. 1982** -- Criminal Procedure - Gives criminal defendant or defendant's attorney right to receive copy of any arrest or search warrant served upon defendant at cost not to exceed \$.25 per page. Amends TCA Title 40, Chapter 6. by *Buck. (SB2032 by *Kyle)

Rep. Buck moved that House Bill No. 1982 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1982 by deleting SECTION 1 in its entirety and renumbering SECTION 2 and SECTION 3 accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1982 by deleting the second sentence of the amendatory language of SECTION 2 of the printed bill in its entirety.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that **House Bill No. 1982**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2017** -- Divorce and Annulment - Deletes requirement that divorce petition must be verified by affidavit that it is not made out of levity or collusion with other party; clarifies that divorce decrees granted in past that did not strictly conform to this requirement remain valid. Amends TCA Title 36, Chapter 4, by *Buck. (SB2077 by *Crutchfield)

Rep. Buck moved that House Bill No. 2017 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2017 by deleting SECTION 2 in its entirety and renumbering SECTION 3 accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 2017**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2328 -- Child Abuse - Redefines "child abuse" by eliminating reasonably applied corporal punishment. Amends TCA Title 39, Chapter 15, Part 4. by *Buck, *Peach, *Boyer. (*SB2154 by *Springer)

Rep. Buck moved that House Bill No. 2328 be passed on third and final consideration.

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On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2328 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-15-401, is amended by adding the following new language to the end of subsection (b)(1):

Provided, however, no arrest warrant or summons shall be issued by any person authorized to issue such a warrant or summons nor shall criminal charges be instituted against a child's parent, guardian or custodian for a violation of subsection (a) of this section based upon the allegation that unreasonable corporal punishment was administered to such child unless the affidavit of complaint also contains a copy of the report prepared by the law enforcement official who investigated the allegation and independent medical verification of injury to the child.

SECTION 2. This act shall take effect on July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Purcell moved the previous question, which motion prevailed by the following vote:

Ayes.....	81
Noes	5
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Burchett, Byrd, Callicott, Cantrell, Clabough, Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 81.

Representatives voting no were: Brooks, Chumney, DeBerry, L., Kernell, Turner (Shelby) -- 5.

Representatives present and not voting were: Tindell -- 1.

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Rep. Buck moved that **House Bill No. 2328**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	88
Noes	0
Present and not voting.....	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Brooks, Brown, Kernell, Tindell -- 4.

A motion to reconsider was tabled.

House Bill No. 3237 -- Municipal Government - Establishes mechanism to authorize, by 2/3 vote of legislative body, revocation of approval for election of city judge who is licensed attorney, giving concurrent jurisdiction to judge with courts of general sessions with retention of all fees to be paid into treasury of city. Amends TCA Section 6-21-501, by *Wood. (*SB3036 by *Fowler)

On motion, House Bill No. 3237 was made to conform with **Senate Bill No. 3036**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that **Senate Bill No. 3036** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby),

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Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 2520 -- Pardons and Paroles - Authorizes board of paroles to create volunteer services program modeled after volunteer services programs operating in departments of correction and youth development. Amends TCA Title 41, Chapter 10. by *Bowers, *Armstrong, *Pruitt, *Brooks, *Miller L. (*SB2334 by *Dixon)

Rep. Bowers moved that **House Bill No. 2520** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	82
Noes	5
Present and not voting.....	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Halteman Harwell, Hargrove, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Roach, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Bird, Burchett, Haley, Ramsey, Ritchie -- 5.

Representatives present and not voting were: DeBerry, L., Hassell, Joyce, Shirley -- 4.

A motion to reconsider was tabled.

House Bill No. 2525 -- Alcoholic Beverages - Redefines "hotel" under liquor by drink law to include residence hotels in Memphis with common smoking and lobby area. Amends TCA Section 57-4-102. by *Jones R (Shelby). (*SB2780 by *Cohen)

Rep. Jones R(Shelby) moved that House Bill No. 2525 be passed on third and final consideration.

Rep. Jones R (Shelby) moved that House Bill No(s). 2525 be reset to the Regular Calendar for March 11, 1996, which motion prevailed.

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House Bill No. 2448 -- Alcoholic Beverages - Redefines "aquarium" for purposes of consumption of alcoholic beverages Amends TCA Title 57, Chapter 4. by *Brown, *Turner (Shelby), *Jones R (Shelby). (*SB2399 by *Crutchfield)

Rep. Brown moved that House Bill No(s). 2448 be reset to the Regular Calendar for March 11, 1996, which motion prevailed.

House Bill No. 2356 -- Local Education Agency - Directs local boards of education to annually select at least four high school students to serve as advisory, non-voting members of board; two to be in academic curriculum track and two vocational track; students to serve without compensation but may be reimbursed for reasonable and necessary expenses. Amends TCA Title 49, Chapter 2. by *Brown, *Armstrong, *Patton, *Jones R (Shelby), *Jones U (Shelby), *Bowers, *Brooks, *Pruitt. (*SB2124 by *Harper)

On motion, House Bill No. 2356 was made to conform with **Senate Bill No. 2124**; the Senate Bill was substituted for the House Bill.

Rep. Brown moved that Senate Bill No. 2124, be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Brown moved that **Senate Bill No. 2124** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 2595 -- Drug and Alcohol Rehabilitation - Directs change of credentials for alcohol and drug abuse counselors from "certification" to "licensure." Amends TCA Title 68, Chapter 24, Part 6. by *Brown, *Stulce, *West, *Brooks. (*SB2816 by *Crutchfield, *Person)

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On motion, House Bill No. 2595 was made to conform with **Senate Bill No. 2816**; the Senate Bill was substituted for the House Bill.

Rep. Brown moved that **Senate Bill No. 2816** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 2733 -- Unclaimed Property - Revises requirements for presuming certain types of personal property unclaimed or abandoned. Amends TCA Title 66, Chapter 29, Part 1. by *White, *McMillan, *Fitzhugh, *Rinks, *Fowlkes. (*SB2565 by *Womack)

On motion, House Bill No. 2733 was made to conform with **Senate Bill No. 2565**; the Senate Bill was substituted for the House Bill.

Rep. White moved that Senate Bill No. 2565, be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. White moved that **Senate Bill No. 2565** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U.

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(Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 3134 -- Highway Signs - Removes restriction on placing tourist oriented directional signs (TODS) on scenic highways; eliminates conflict in law regarding TODS on scenic highways. Amends TCA Title 54, Chapter 518 of the Public Acts of 1995, and Chapter 530 of the Public Acts of 1995. by *Kerr, *Callicott, *Jones R (Shelby), *Westmoreland. (*SB2830 by *Koella)

Rep. Kerr moved that House Bill No. 3134 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3134 by deleting Section 3 in its entirety and by substituting instead the following:

SECTION 3. This act shall take effect on becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Kerr withdrew Amendment No. 2.

Rep. Kerr moved that House Bill No(s). 3134 be reset to the Regular Calendar for March 11, 1996, which motion prevailed.

House Bill No. 2193 -- Highways, Roads and Bridges - Prohibits excluding business establishment from participating in logo sign program merely because such establishment does not serve breakfast. Amends TCA Title 54, Chapter 5, Part 11. by *Whitson, *Davis. (*SB2220 by *Haun)

Rep. Davis moved that House Bill No(s). 2193 be reset to the Regular Calendar for March 11, 1996, which motion prevailed.

House Bill No. 2607 -- Local Education Agency - Requires certain LEA job applicants to disclose all prior misdemeanor and felony convictions; imposes certain penalties. Amends TCA Section 49-5-406 and Section 49-5-413. by *McDonald,

*Sharp, *Stamps, *Fitzhugh, *White, *Fowlkes, *Curtiss, *Roach, *Davidson, *Brown, *Winningham, *Williams (Williamson), *Davis, *Jones, S. (*SB2887 by *Womack)

Rep. McDonald moved that House Bill No. 2607 be passed on third and final consideration.

Rep. McDonald moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2607 by adding the following new paragraph to the end of the amendatory language of Section 1(b):

The provisions of §49-5-406(a)(1) shall not be construed or implemented to compel disclosure of a parking or moving traffic violation if the maximum sanction provided by law for such violation does not include a period of confinement.

On motion, Amendment No. 1 was adopted.

Rep. DeBerry, J. moved the previous question, which motion prevailed.

Rep. McDonald moved that **House Bill No. 2607**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Pruitt, **House Bill No. 92 and 991** was recalled from the Conservation & Environment Committee and withdrawn from the House.

On motion of Rep. Callicott, **House Bill No. 2597** was recalled from the Calendar & Rules Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 431: Rep(s). Langster as prime sponsor(s).

House Bill No. 473: Rep(s). Walley as prime sponsor(s).

House Bill No. 474: Rep(s). Walley as prime sponsor(s).

House Bill No. 887: Rep(s). Walley as prime sponsor(s).

House Bill No. 893: Rep(s). Windle as prime sponsor(s).

House Bill No. 2274: Rep(s). Ford and Sharp as prime sponsor(s).

House Bill No. 2346: Rep(s). Windle as prime sponsor(s).

House Bill No. 2435: Rep(s). Buck as prime sponsor(s).

House Bill No. 2568: Rep(s). White as prime sponsor(s).

House Bill No. 2851: Rep(s). Langster as prime sponsor(s).

House Bill No. 2925: Rep(s). Turner(Hamilton) as prime sponsor(s).

ENGROSSED BILLS

March 7, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 906, 2407, 2889 and 3081.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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REPORT OF CHIEF ENGROSSING CLERK

March 7, 1996

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 452.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 7, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2104; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

March 7, 1996

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1335 and 2119; also, House Resolution(s) No(s). 186.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

March 7, 1996

The Speaker signed the following: House Bill(s) No(s). 1335 and 2119; also, House Resolution(s) No(s). 186.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

March 7, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 452, with his approval.

HARDY MAYS, Counsel to the Governor.

ENGROSSED BILLS

March 7, 1996

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1982, 2017, 2328, 2520 and 2607; also, House Joint Resolution(s) No(s). 460.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 7, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 29, 1335, 2119, 2241, 2669, 2719, 2728, 2878, 2998, 3240, 3241 and 3244; also, House Joint Resolution(s) No(s). 161, 435, 436, 440, 443, 445, 446, 450, 452 and 456; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 7, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1967, 1970, 1987, 2013, 2038, 2065, 2075, 2080, 2122, 2193, 2196, 2197, 2199, 2216, 2356, 2365, 2369, 2443, 2519, 2548, 2562, 2619, 2622, 2683, 2711, 2837, 2926, 2958 and 3017; also, Senate Joint Resolution(s) No(s). 341, 342, 343 and 344; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 7, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2014, 2166, 2278, 2454, 2618, 2724, 2742, 3060 and 3217; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2014** -- Sunset Laws - Aquaculture advisory board, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 33. by *Haynes.

***Senate Bill No. 2166** -- Insurance, Motor Vehicles - Revises uninsured motorist law to provide that uninsured motorist coverage need not be provided by excess or umbrella insurance policy. Amends TCA Title 56, Chapter 7, Part 12. by *Womack.

Senate Bill No. 2278 -- Mobile Homes and Manufactured Buildings - Codifies certain regulations for permits and movement of overdimensional or overweight vehicles transporting manufactured housing. Amends TCA Title 55, Chapter 4, Part 4; Section 55-7-209 and Title 68, Chapter 126. by *Haun, *Wallace, *Wright, *Koella, *Miller J, *Atchley, *O'Brien, *Springer, *Crowe.

Senate Bill No. 2454 -- TennCare - Requires TennCare Bureau to file report with general assembly containing data and statistics relative to health care provided to women Amends TCA Title 71, Chapter 5, Part 1. by *Dixon, *Harper.

***Senate Bill No. 2618** -- Sunset Laws - Obion-Forked Deer Basin authority, board of directors, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 1. by *Haynes.

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***Senate Bill No. 2724 --** Bad Checks - Increases from \$20.00 to \$25.00 amount payee of bad check can charge as handling charge; makes certain information on check prima facie evidence of identity of person issuing check in bad check prosecution. Amends TCA Title 39, Chapter 14 and Title 47, Chapter 29. by *McNally.

***Senate Bill No. 2742 --** Criminal Offenses - Authorizes court to consider as enhancement factor for aggravated assault or murder that person was emergency medical or rescue worker, emergency medical technician or paramedic whether compensated or acting as volunteer if person performing official duty. Amends TCA Section 39-13-204 and Section 39-13-102. by *Holcomb.

***Senate Bill No. 3060 --** Highways, Roads and Bridges - Prohibits the designation of highways in Maury County until March 1, 1996 or until the availability of further study, whichever comes first. by *Jordan.

***Senate Bill No. 3217 --** Criminal Offenses - Updates references to TCA Title 39. Amends various sections of TCA. by *Crutchfield.

REPORT OF CHIEF ENGROSSING CLERK March 7, 1996

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 29, 1335, 2119, 2241, 2669, 2719, 2728, 2878, 2998, 3240, 3241 and 3244; also, House Joint Resolution(s) No(s).161, 435, 436, 440, 443, 445, 446, 450 and 456.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR March 7, 1996

The following local bills have been placed on the Consent Calendar for **March 11, 1996**: House Bill(s) No(s). 3252, 3193, 3245 and 3253.

ROLL CALL

The roll call was taken with the following results:

Present 92

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West,

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Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, March 11, 1996.